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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,615	05/02/2001	Yukinori Terahama	520.35693CX1	5679
20457	7590	06/18/2004	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-9889				VU, THONG H
ART UNIT		PAPER NUMBER		
		2142		

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/846,615	TERAHAMA ET AL.	
	Examiner	Art Unit	
	Thong H Vu	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 May 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 May 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 50201.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Art Unit: 2142

1. Claim 9 is pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 9 is rejected under 35 U.S.C. § 102(e) as being anticipated by Burgess et al [Burgess 5,758,071]

3. As per claim 9, Burgess discloses a consulting system for replying to an inquiry from a customer [Burgess, a system which consults connection list, comprising:

a clerk terminal for use by an expert clerk to reply said inquiry (i.e.: a server responses to a client request)[Burgess, a monitoring computer or server monitored the activities on other computer on network, col 3 lines 30-45]; and

a connection management apparatus for managing connection [Burgess, a monitoring and tracking agent including connection manager, col 5 lines 15-27], said connection management apparatus comprises:

monitoring means for monitoring connective status of said clerk terminal [Burgess, alert thread monitors various performance of monitored computers, col 6 lines 44-col 8 lines 15; records the status of that monitoring computers, col 10 lines 12-20],

storage means for storing data related to a connectable expert clerk [Burgess, logging thread, col 8 lines 37-67; statistics gathering thread, SPL database, col 10 lines 48-67]

extraction means for extracting said data related to connectable expert clerk [Burgess, retrieves data from SQL database, col 13 lines 62-col 14 line 15], and

sending means for sending said data related to said connectable expert clerk to a terminal for user by said customer [Burgess, send statistics obtained to queue 162, Fig 10,col 14 lines 16-36].

4. Claim 9 is rejected under 35 U.S.C. § 102(e) as being anticipated by Cote et al [Cote, 6,021,262]

5. As per claim 9, Cote discloses a consulting system for replying to an inquiry from a customer [Cote, a system consults the directory service col 4 lines 11-28], comprising:

a clerk terminal for use by an expert clerk to reply said inquiry; and
a connection management apparatus for managing connection [Cote, a monitoring software, col 4 lines 11-28], said connection management apparatus comprises:

monitoring means for monitoring connective status of said clerk terminal [Cote monitoring the link conditions, col 4 lines 11-28]

storage means for storing data related to a connectable expert clerk [Cote, a record of condition in condition log, col 4 lines 49-60],

extraction means for extracting said data related to connectable expert clerk [Cote, reviewing the log records, col 4 lines 49-60], and sending means for sending said data related to said connectable expert clerk to a terminal for user by said customer [Cote, notification of someone indicates a response to the condition detected, col 5 lines 32-45]

6. Claim 9 is rejected under 35 U.S.C. § 102(e) as being anticipated by Skeen et al [Skeen 5,966,531]

7. As per claim 9, Skeen discloses a consulting system for replying to an inquiry from a customer [Skeen, RMDP will consult the TIB Service Directory, col 56 lines 43-53] comprising:

a clerk terminal for use by an expert clerk to reply said inquiry [Skeen , a client-server communications, col 8 lines 7-18]; and

a connection management apparatus for managing connection [Skeen, a communication component monitoring service quality, col 9 lines 10-34], said connection management apparatus comprises:

monitoring means for monitoring connective status of said clerk terminal [Skeen, a communication component monitoring service quality, col 9 lines 10-34, col 40 lines 35-49;col 50 lines 51-64; col 51 lines 27-36; col 78 lines 25-30],

storage means for storing data related to a connectable expert clerk [Skeen, data record, col 76 lines 15-26],

extraction means for extracting said data related to connectable expert clerk [Skeen, extracting data, col 76 lines 15-26], and

sending means for sending said data related to said connectable expert clerk to a terminal for user by said customer [Skeen, subscriber desires to receive data, col 78 lines 32-52]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 9 is rejected under 35 U.S.C. § 103 as being unpatentable over Loftin et al [Loftin 5,311,422] in view of Ogushi et al [Ogushi 6,385,497 B1]

9. As per claim 9, Loftin discloses a consulting system for replying to an inquiry from a customer [Loftin, a system consults the history stored in the trainee model, col 14 lines 23-38], comprising:

a clerk terminal for use by an expert clerk to reply said inquiry [Loftin, a computer aid training system, col 8 line 56-col 9 line 58]; and

a connection management apparatus for managing connection [Loftin, a session manager, col 9 lines 9-32], said connection management apparatus comprises:

monitoring means for monitoring connective status of said clerk terminal

[Loftin, the error detector expert, col 8 line 56-col 9 line 58],

Loftin also discloses a training Scenario Generator includes a knowledge base and object oriented database [Loftin databases, col 16 lines 65-col 17 lines 20].

However Loftin does not detail storage means for storing data related to a connectable expert clerk, extraction means for extracting said data related to connectable expert clerk, and sending means for sending said data related to said connectable expert clerk to a terminal for user by said customer.

Ogushi discloses a remote maintenance system wherein a host computer monitoring and obtain status information of the equipments though the Internet and consulting a database storing information and provide response information [Ogushi, col 14 lines 3-15]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the technique of consulting the database to obtain the response information as taught by Ogushi into the Loftin's apparatus in order to utilize the database. Doing so would provide a dynamic and efficiency to consult the inquired data over Internet.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (703) 305-9705.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
Art Unit 2142

